

**BEFORE THE
BOARD OF PODIATRIC MEDICINE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)	
)	File No. 1B-2012-222814
MARLEY MELINDA TAYLOR, D.P.M.)	
)	
Doctor of Podiatric Medicine)	
License No. E 3426)	
)	
Respondent.)	

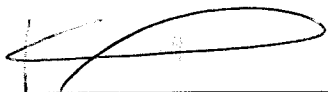
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted by the Board of Podiatric Medicine of the Department of Consumer Affairs, State of California as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on February 27, 2015.

DATED January 28, 2015

BOARD OF PODIATRIC MEDICINE



Kristina M. Dixon, MBA, President

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ASHLEY HARLAN
Deputy Attorney General
4 State Bar No. 284586
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5709
6 Facsimile: (415) 703-1234
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF PODIATRIC MEDICINE
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **MARLEY MELINDA TAYLOR, DPM**

13 **853 Middlefield Road, Ste 3**
14 **Palo Alto, CA 94301**

15 **Doctor of Podiatric Medicine License**
16 **No. E3426**

17 Respondent.

Case No. 1B-2012-222814

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Jason S. Campbell, J.D., ("Complainant") is the Executive Officer of the Board of
23 Podiatric Medicine. He brought this action solely in his official capacity and is represented in this
24 matter by Kamala D. Harris, Attorney General of the State of California, by Ashley Harlan,
25 Deputy Attorney General.

26 2. Marley Melinda Taylor, DPM, ("Respondent") is represented in this proceeding by
27 attorney C. Keith Greer, Esq., whose address is:
28

1 Greer & Associates, A.P.C.

2 17150 Via Del Campo, Suite 100

3 San Diego, CA 92127

4 3. On March 10, 1987, the Board of Podiatric Medicine issued Doctor of Podiatric
5 Medicine License No. E3426 to Marley Melinda Taylor, DPM, Respondent. The Doctor of
6 Podiatric Medicine License was in full force and effect at all times relevant to the charges brought
7 in Accusation No. 1B-2012-222814 and will expire on February 28, 2015, unless renewed.

8 JURISDICTION

9 4. Accusation No. 1B-2012-222814 was filed before the Board of Podiatric Medicine
10 ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The
11 Accusation and all other statutorily required documents were properly served on Respondent on
12 May 30, 2014. Respondent timely filed her Notice of Defense contesting the Accusation.

13 5. A copy of Accusation No. 1B-2012-222814 is attached as Exhibit A and incorporated
14 herein by reference.

15 ADVISEMENT AND WAIVERS

16 6. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 1B-2012-222814. Respondent has also carefully read,
18 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
19 Disciplinary Order.

20 7. Respondent is fully aware of her legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
22 her own expense; the right to confront and cross-examine the witnesses against her; the right to
23 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
24 compel the attendance of witnesses and the production of documents; the right to reconsideration
25 and court review of an adverse decision; and all other rights accorded by the California
26 Administrative Procedure Act and other applicable laws.

27 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
28 every right set forth above.

1 CULPABILITY

2 9. Respondent understands that the charges and allegations in Accusation No. 1B-2012-
3 222814, if proven at a hearing, constitute cause for imposing discipline upon her Doctor of
4 Podiatric Medicine License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation and that those charges constitute cause for discipline.
8 Respondent hereby gives up her right to contest that cause for discipline exists based on those
9 charges.

10 11. Respondent agrees that her Doctor of Podiatric Medicine License is subject to
11 discipline and she agrees to be bound by the Board's probationary terms as set forth in the
12 Disciplinary Order below.

13 CONTINGENCY

14 12. This stipulation shall be subject to approval by the Board of Podiatric Medicine.
15 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
16 Podiatric Medicine may communicate directly with the Board regarding this stipulation and
17 settlement, without notice to or participation by Respondent or her counsel. By signing the
18 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
20 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
22 action between the parties, and the Board shall not be disqualified from further action by having
23 considered this matter.

24 13. The parties understand and agree that Portable Document Format ("PDF") and
25 facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and
26 facsimile signatures thereto, shall have the same force and effect as the originals.
27
28

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Doctor of Podiatric Medicine License No. E3426 issued to Respondent Marley Melinda Taylor, DPM (“Respondent”) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. MEDICAL RECORD KEEPING COURSE

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping, at Respondent's expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first 6 months of probation is a violation of probation.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

2. ETHICS COURSE

Within 60 days of the effective date of this Decision, Respondent shall enroll in a course in ethics, at Respondent's own expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first year of probation is a violation of probation.

An ethics course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by

1 the Board or its designee had the course been taken after the effective date of this Decision.

2 Respondent shall submit a certification of successful completion to the Board or its
3 designee not later than 15 calendar days after the effective date of the Decision.

4 3. NOTIFICATION

5 Prior to engaging in the practice of podiatric medicine, the Respondent shall provide a true
6 copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief Executive Officer at
7 every hospital where privileges or membership are extended to Respondent, at any other facility
8 where Respondent engages in the practice of podiatric medicine, including all physician and
9 locum tenens registries or other similar agencies, and to the Chief Executive Officer at every
10 insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall
11 submit proof of compliance to the Division or its designee within 15 calendar days.

12 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

13 4. PHYSICIAN ASSISTANTS

14 Prior to receiving assistance from a physician assistant, Respondent must notify the
15 supervising physician of the terms and conditions of his/her probation.

16 5. OBEY ALL LAWS

17 Respondent shall obey all federal, state and local laws, all rules governing the practice of
18 podiatric medicine in California and remain in full compliance with any court ordered criminal
19 probation, payments, and other orders.

20 6. QUARTERLY DECLARATIONS

21 Respondent shall submit quarterly declarations under penalty of perjury on forms provided
22 by the Board, stating whether there has been compliance with all the conditions of probation.
23 Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the
24 preceding quarter.

25 7. PROBATION COMPLIANCE UNIT

26 Respondent shall comply with the Board's probation unit. Respondent shall, at all times,
27 keep the Board informed of Respondent's business and residence addresses. Changes of such
28 addresses shall be immediately communicated in writing to the Board or its designee. Under no

1 circumstances shall a post office box serve as an address of record, except as allowed by Business
2 and Professions Code section 2021(b).

3 Respondent shall not engage in the practice of podiatric medicine in Respondent's place of
4 residence. Respondent shall maintain a current and renewed California doctor of podiatric
5 medicine's license.

6 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
7 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30
8 calendar days.

9 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE

10 Respondent shall be available in person for interviews either at Respondent's place of
11 business or at the probation unit office with the Board or its designee, upon request, at various
12 intervals and either with or without notice throughout the term of probation.

13 9. RESIDING OR PRACTICING OUT-OF-STATE

14 In the event Respondent should leave the State of California to reside or to practice,
15 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
16 departure and return. Non-practice is defined as any period of time exceeding 30 calendar days in
17 which Respondent is not engaging in any activities defined in section 2472 of the Business and
18 Professions Code.

19 All time spent in an intensive training program outside the State of California which has
20 been approved by the Board or its designee shall be considered as time spent in the practice of
21 medicine within the State. A Board-ordered suspension of practice shall not be considered as a
22 period of non-practice. Periods of temporary or permanent residence or practice outside
23 California will not apply to the reduction of the probationary term. Periods of temporary or
24 permanent residence or practice outside California will relieve Respondent of the responsibility to
25 comply with the probationary terms and conditions, with the exception of this condition, and the
26 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and
27 Cost Recovery.

28 Respondent's license shall be automatically cancelled if Respondent's periods of temporary

1 or permanent residence or practice outside California totals two years. However, Respondent's
2 license shall not be cancelled as long as Respondent is residing and practicing podiatric medicine
3 in another state of the United States and is on active probation with the medical licensing
4 authority of that state, in which case the two year period shall begin on the date probation is
5 completed or terminated in that state.

6 10. FAILURE TO PRACTICE PODIATRIC MEDICINE - CALIFORNIA RESIDENT

7 In the event the Respondent resides in the State of California and for any reason
8 Respondent stops practicing podiatric medicine in California, Respondent shall notify the Board
9 or its designee in writing within 30 calendar days prior to the dates of non-practice and return to
10 practice. Any period of non-practice within California as defined in this condition will not apply
11 to the reduction of the probationary term and does not relieve Respondent of the responsibility to
12 comply with the terms and conditions of probation. Non-practice is defined as any period of time
13 exceeding thirty calendar days in which Respondent is not engaging in any activities defined in
14 section 2472 of the Business and Professions Code.

15 All time spent in an intensive training program which has been approved by the Board or its
16 designee shall be considered time spent in the practice of medicine. For purposes of this
17 condition, non-practice due to a Board-ordered suspension or in compliance with any other
18 condition of probation shall not be considered a period of non-practice.

19 Respondent's license shall be automatically cancelled if Respondent resides in California
20 and for a total of two years, fails to engage in California in any of the activities described in
21 Business and Professions Code section 2472.

22 11. COMPLETION OF PROBATION

23 Respondent shall comply with all financial obligations (e.g., cost recovery, restitution,
24 probation costs) not later than 120 calendar days prior to the completion of probation. Upon
25 successful completion of probation, respondent's certificate will be fully restored.

26 12. VIOLATION OF PROBATION

27 If Respondent violates probation in any respect, the Board, after giving Respondent notice
28 and the opportunity to be heard, may revoke probation and carry out the disciplinary order that

1 was stayed. If an Accusation or Petition to Revoke Probation is filed against Respondent during
2 probation, the Board shall have continuing jurisdiction until the matter is final, the period of
3 probation shall be extended until the matter is final, and no petition for modification of penalty
4 shall be considered while there is an Accusation or Petition to Revoke Probation pending against
5 Respondent.

6 13. COST RECOVERY

7 Within 90 calendar days from the effective date of the Decision or other period agreed to by
8 the Board or its designee, Respondent shall reimburse the Board the amount of \$5,542.50 for its
9 investigative and prosecution costs. The filing of bankruptcy or period of non-practice by
10 Respondent shall not relieve the Respondent of her obligation to reimburse the Board for its costs.

11 14. LICENSE SURRENDER

12 Following the effective date of this Decision, if Respondent ceases practicing due to
13 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of
14 probation, Respondent may request the voluntary surrender of Respondent's license. The Board
15 reserves the right to evaluate the Respondent's request and to exercise its discretion whether to
16 grant the request or to take any other action deemed appropriate and reasonable under the
17 circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar
18 days deliver respondent's wallet and wall certificate to the Board or its designee and Respondent
19 shall no longer practice podiatric medicine. Respondent will no longer be subject to the terms
20 and conditions of probation and the surrender of Respondent's license shall be deemed
21 disciplinary action. If respondent re-applies for a podiatric medical license, the application shall
22 be treated as a petition for reinstatement of a revoked certificate.

23 15. PROBATION MONITORING COSTS

24 Respondent shall pay the costs associated with probation monitoring each and every year of
25 probation as designated by the Board, which may be adjusted on an annual basis. Such costs shall
26 be payable to the Board of Podiatric Medicine and delivered to the Board or its designee within
27 60 days after the start of the new fiscal year. Failure to pay costs within 30 calendar days of this
28 date is a violation of probation.

1 16. NOTICE TO EMPLOYEES

2 Respondent shall, upon or before the effective date of this Decision, post or circulate a
3 notice which actually recites the offenses for which Respondent has been disciplined and the
4 terms and conditions of probation to all employees involved in his/her practice. Within fifteen
5 (15) days of the effective date of this Decision, Respondent shall cause her employees to report to
6 the Board in writing, acknowledging the employees have read the Accusation and Decision in the
7 case and understand Respondent's terms and conditions of probation.
8

9 17. CHANGES OF EMPLOYMENT

10 Respondent shall notify the Board in writing, through the assigned probation officer, of any
11 and all changes of employment, location, and address within thirty (30) days of such change.

12 18. COMPLIANCE WITH REQUIRED CONTINUING MEDICAL EDUCATION


13 Respondent shall submit satisfactory proof biennially to the Board of compliance with the
14 requirement to complete fifty hours of approved continuing medical education, and meet
15 continuing competence requirements for re-licensure during each two (2) year renewal period.
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

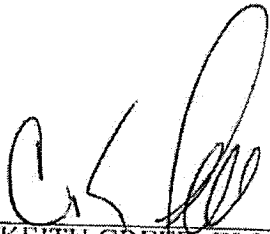
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, C. Keith Greer, Esq.. I understand the stipulation and the effect it will have on my Doctor of Podiatric Medicine License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Podiatric Medicine.

DATED: 11/21/14


MARLEY MELINDA TAYLOR, DPM
Respondent

I have read and fully discussed with Respondent Marley Melinda Taylor, DPM the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/24/14


C. KEITH GREER, ESQ.
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Podiatric Medicine.

Dated: *December 10, 2014*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General


ASHLEY HARLAN
Deputy Attorney General
Attorneys for Complainant

SF2014407240
41078867.doc

Exhibit A

Accusation No. 1B-2012-222814

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 30, 2014
BY Jan K. McGlone ANALYST

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ASHLEY HARLAN
Deputy Attorney General
4 State Bar No. 284586
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5709
6 Facsimile: (415) 703-1234
Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF PODIATRIC MEDICINE**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **MARLEY MELINDA TAYLOR, DPM**

13 **853 Middlefield Road, Suite 3**
14 **Palo Alto, CA 94301**

15 **Doctor of Podiatric Medicine License**
16 **No. E 3426**

17 Respondent.

Case No. 1B-2012-222814

A C C U S A T I O N

18 Complainant alleges:

19 PARTIES

20 1. James Rathlesberger ("Complainant") brings this Accusation solely in his official
21 capacity as the Executive Officer of the Board of Podiatric Medicine, Department of Consumer
22 Affairs.

23 2. On or about March 10, 1987, the Board of Podiatric Medicine issued Doctor of
24 Podiatric Medicine License number E 3426 to Marley Melinda Taylor, DPM ("Respondent").
25 The Doctor of Podiatric Medicine License was in full force and effect at all times relevant to the
26 charges brought herein and will expire on February 28, 2015, unless renewed.
27
28

JURISDICTION

3. This Accusation is brought before the Board of Podiatric Medicine ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2222 of the Code states the California Board of Podiatric Medicine shall enforce and administer this article as to doctors of podiatric medicine. Any acts of unprofessional conduct or other violations proscribed by this chapter are applicable to licensed doctors of podiatric medicine and wherever the Medical Quality Hearing Panel established under Section 11371 of the Government Code is vested with the authority to enforce and carry out this chapter as to licensed physicians and surgeons, the Medical Quality Hearing Panel also possesses that same authority as to licensed doctors of podiatric medicine.

The California Board of Podiatric Medicine may order the denial of an application or issue a certificate subject to conditions as set forth in Section 2221, or order the revocation, suspension, or other restriction of, or the modification of that penalty, and the reinstatement of any certificate of a doctor of podiatric medicine within its authority as granted by this chapter and in conjunction with the administrative hearing procedures established pursuant to Sections 11371, 11372, 11373, and 11529 of the Government Code. For these purposes, the California Board of Podiatric Medicine shall exercise the powers granted and be governed by the procedures set forth in this chapter.

5. Section 2497 of the Code states:

"(a) The board may order the denial of an application for, or the suspension of, or the revocation of, or the imposition of probationary conditions upon, a certificate to practice podiatric medicine for any of the causes set forth in Article 12 (commencing with Section 2220) in accordance with Section 2222.

"(b) The board may hear all matters, including but not limited to, any contested case or may assign any such matters to an administrative law judge. The proceedings shall be held in accordance with Section 2230. If a contested case is heard by the board itself, the administrative

1 law judge who presided at the hearing shall be present during the board's consideration of the case
2 and shall assist and advise the board."

3 6. Section 2234 of the Code states, in relevant part:

4 "The board shall take action against any licensee who is charged with unprofessional
5 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
6 limited to, the following:

7 "..."

8 "(b) Gross negligence.

9 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
10 omissions. An initial negligent act or omission followed by a separate and distinct departure from
11 the applicable standard of care shall constitute repeated negligent acts. ..."

12 7. Section 2261 of the Code states:

13 "Knowingly making or signing any certificate or other document directly or indirectly
14 related to the practice of medicine or podiatry which falsely represents the existence or
15 nonexistence of a state of facts, constitutes unprofessional conduct."

16 8. Section 2262 of the Code states:

17 "Altering or modifying the medical record of any person, with fraudulent intent, or creating
18 any false medical record, with fraudulent intent, constitutes unprofessional conduct.

19 "In addition to any other disciplinary action, the Division of Medical Quality or the
20 California Board of Podiatric Medicine may impose a civil penalty of five hundred dollars (\$500)
21 for a violation of this section."

22 9. Section 2266 of the Code states:

23 "The failure of a physician and surgeon to maintain adequate and accurate records relating
24 to the provision of services to their patients constitutes unprofessional conduct."

25 COST RECOVERY

26 10. Section 2497.5 of the Code states:

27 "(a) The board may request the administrative law judge, under his or her proposed
28 decision in resolution of a disciplinary proceeding before the board, to direct any licensee found

1 guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable
2 costs of the investigation and prosecution of the case.

3 "(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in
4 any event be increased by the board. When the board does not adopt a proposed decision and
5 remands the case to an administrative law judge, the administrative law judge shall not increase
6 the amount of any costs assessed in the proposed decision.

7 "(c) When the payment directed in the board's order for payment of costs is not made by the
8 licensee, the board may enforce the order for payment by bringing an action in any appropriate
9 court. This right of enforcement shall be in addition to any other rights the board may have as to
10 any licensee directed to pay costs.

11 "(d) In any judicial action for the recovery of costs, proof of the board's decision shall be
12 conclusive proof of the validity of the order of payment and the terms for payment.

13 "(e)(1) Except as provided in paragraph (2), the board shall not renew or
14 reinstate the license of any licensee who has failed to pay all of the costs ordered
15 under this section.

16 "(2) Notwithstanding paragraph (1), the board may, in its discretion,
17 conditionally renew or reinstate for a maximum of one year the license of any licensee
18 who demonstrates financial hardship and who enters into a formal agreement with the
19 board to reimburse the board within one year period for those unpaid costs.

20 "(f) All costs recovered under this section shall be deposited in the Podiatry Fund as a
21 reimbursement in either the fiscal year in which the costs are actually recovered or the previous
22 fiscal year, as the board may direct."

23 11. Section 2227 of the Code states:

24 "(a) A licensee whose matter has been heard by an administrative law judge of the Medical
25 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default
26 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
27 action with the board, may, in accordance with the provisions of this chapter:

28 "(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

STATEMENT OF FACTS

12. On June 1, 2009, I.W.¹ attended a consultation with Respondent, seeking a second opinion for a failed bunionectomy on her left foot, which was performed by Dr. B.D. in 2008. The failed bunionectomy resulted in a hallux varus deformity and a deformity of the second toe, causing Respondent back pain. .

13. On August 25, 2010, I.W. returned to Respondent to schedule surgery on her foot for her continued hallux varus and pain in the first and second toes. Respondent's patient records make no indication of significant pain in the third, fourth, or fifth toes. Respondent's surgical plan does not include procedures on the fifth toe.

14. On November 10, 2010, I.W. signed a surgical consent form, which states:

I authorize the following operation or procedure to be performed upon me...
Chevron osteotomy of the first metatarsal with internal fixation (to remove bone

¹ Initials are used to protect individual and patient confidentiality. Names will be released with discovery.

1 and straighten the great toe by cutting and realigning bone and soft tissue with
2 permanent wire and/or screws); arthroplasty/arthrodesis of digits two, three, four
3 with possible percutaneous K-wire fixation (to cut and realign bone and soft tissue
4 with possible fusion of bone held in place with wire); possible tenotomy and
capsulotomy of the second, third, fourth metatarsal-phalangeal joints (to release
tendon and/or capsule in order to straighten the toe with possible wire fixation) –
all the above on the LEFT foot.

5 I.W. did not consent to procedures on the fifth toe.

6 15. On November 19, 2010, Respondent performed surgery on I.W. During the surgery,
7 Respondent attempted screw removal, which was unsuccessful. Respondent then performed
8 modified Silver bunionectomy, along with implant removal, fusion of the second toe, and
9 arthroplasty of the third, fourth, and fifth toes. Respondent's operative report and hand-written
10 patient records fail to state a rationale for performing an arthroplasty on the fifth toe.

11 16. On December 28, 2010, Respondent removed I.W.'s k-wire and ordered physical
12 therapy.

13 17. From January 1, 2011 to January 28, 2011, I.W. received physical therapy for her left
14 foot.

15 18. On July 1, 2011, I.W. attended her final appointment with Respondent.

16 19. On August 19, 2011, I.W. requested a copy of her patient records from Respondent.

17 20. On September 14, 2011, Respondent provided I.W. with a typed copy of her patient
18 records.

19 21. On April 6, 2012, the Board received a consumer complaint from I.W. Attached to
20 I.W.'s consumer complaint were copies of the typed patient records I.W. received from
21 Respondent on September 14, 2011, which she had annotated to identify numerous inaccurate
22 and/or false statements.

23 22. On May 7, 2012, I.W. signed an Authorization for Release of Medical Information,
24 authorizing the Board to obtain a copy of her medical records from Respondent.

25 23. On May 30, 2012, Respondent provided the Board with a certified copy of I.W.'s
26 typed patient records.
27
28

1 24. On August 19, 2013, a Medical Board of California Investigator ("Investigator")
2 interviewed Respondent. During the interview, Respondent denied altering I.W.'s patient records.
3 She agreed to permit the Board to inspect her computer to verify the authenticity of I.W.'s patient
4 records.

5 25. On October 23, 2013, the Investigator interviewed Respondent for a second time.
6 During the interview, Respondent admitted that she kept handwritten records for I.W., which she
7 did not type until approximately three weeks after I.W. requested copies of her patient records.
8 Respondent also admitted that she altered the patient records when she typed them. Respondent
9 provided the Investigator with a copy of the handwritten patient records.

10 FIRST CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct - Gross Negligence; Repeated Acts of Negligence)

12 26. Paragraphs 11 through 30 are incorporated herein.

13 27. Respondent's license is subject to disciplinary action under Code section 2234(b) for
14 gross negligence and/or 2234(c) for repeated acts of negligence, in that each of the following
15 constitutes an extreme departure from the standard of care:

- 16 1. Respondent failed to maintain accurate and complete patient records, in that the typed
17 patient records Respondent produced to the Board contained numerous inaccuracies
18 and/or false statements. Additionally, Respondent's typed patient records failed to
19 include the date the record was signed, the date the record was transcribed, and
20 Respondent's signature.
- 21 2. Prior to performing surgery on I.W.'s fifth toe, Respondent failed to obtain informed
22 consent from I.W., or otherwise document in the operative report why it became
23 necessary to operate on I.W.'s fifth toe and notify I.W. as to why surgery became
24 necessary on the fifth toe in the initial post-operative consultation.

25 SECOND CAUSE FOR DISCIPLINE

26 (Unprofessional Conduct - Incompetence)

27 28. Paragraphs 11 through 30 are incorporated herein.

29. Respondent's license is subject to disciplinary action under Code section 2234(d) for incompetence, in that she performed surgery on I.W.'s fifth toe without first obtaining informed consent, or otherwise documenting in the operative report and notifying I.W. as to why it became necessary to operate on the fifth toe in the initial post-operative consultation.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Dishonest Act False Representations;

Alteration of Medical Records; Inaccurate Patient Records)

30. Paragraphs 11 through 30 are incorporated herein.

31. Respondent's license is subject to disciplinary action under Code section 2234(e) for dishonest act, and/or 2261 for false representations, and/or 2262 for alteration of medical records, and/or 2266 for inaccurate patient records, in that the certified copy of I.W.'s typed patient records which she provided to the Board were not maintained contemporaneous to the treatment provided to I.W, but rather were typed approximately three weeks after I.W. requested a copy of her patient records, without providing any indication of such. During the August 19, 2013 interview with the Investigator, Respondent denied having altered I.W.'s records. During the October 23, 2013 interview with the Investigator, Respondent admitted that she kept handwritten records for I.W., which she did not transcribe until approximately three weeks after I.W. requested copies of her patient records. Respondent also admitted that she altered the patient records as she transcribed them.

PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Podiatric Medicine issue a decision:

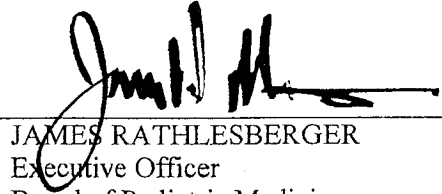
1. Revoking or suspending Doctor of Podiatric Medicine License Number E 3426, issued to Marley Melinda Taylor, DPM;

2. Ordering Marley Melinda Taylor, DPM to pay the Board of Podiatric Medicine the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2497.5, and if placed on probation, the cost of probation monitoring, pursuant to Business and Professions Code section 2227; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Taking such other and further action as deemed necessary and proper.

DATED: May 30, 2014


JAMES RATHLESBERGER
Executive Officer
Board of Podiatric Medicine
Department of Consumer Affairs
State of California
Complainant

SF2014407240
40911816.doc